

Amendment No. 1 to SB2070

Crowe
Signature of Sponsor

AMEND Senate Bill No. 2070

House Bill No. 2107*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 33, is amended by adding the following as new chapter 11:

33-11-101.

The commissioner of mental health and substance abuse services shall establish a residential pilot program in one (1) county that seeks to address overcrowding in jails and correction institutions by providing certain prisoners who are released into the community with transitional services that may include mental health services and support, substance abuse treatment and counseling, health care, and employment and housing support. The commissioner shall consult with the district attorneys general conference, the department of correction, the department of labor and workforce development, the bureau of TennCare, and other relevant state agencies and community stakeholders in developing the pilot program.

33-11-102.

The pilot program shall proceed according to the following schedule:

(1) In the first year, the commissioner of mental health and substance abuse services shall design the program and develop the engineering and architectural plans for the residential facility;

(2) In the second year, the commissioner shall implement the construction of the facility and develop plans for implementing the services and supports for the program participants;

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(3) In the third year, the commissioner shall commence operation of the pilot program with selected prisoners;

(4) In the fourth and fifth years, the pilot program shall continue operation as a pilot program; and

(5) In the fifth year, but no later than January 1, 2021, the commissioner shall submit a report to the general assembly concerning the pilot program and make recommendations concerning continuing or expanding the pilot program.

33-11-103.

(a) The pilot program shall offer an alternative to incarceration that includes a drug treatment component.

(b) The pilot program shall be a residential drug treatment diversion program in which a district attorney general selects defendants to participate; provided, that a defendant's participation shall be voluntary.

(c) In order to participate in the program, a defendant shall:

(1) Be eighteen (18) years of age, or older;

(2) Be charged with a felony at the time the defendant is to enter the pilot program;

(3) Possess at least one (1) prior felony conviction;

(4) Be addicted to drugs and in need of substance abuse treatment; and

(5) Demonstrate that drug addiction is a contributing factor in the defendant's criminal activities.

(d) A defendant who is accepted into the pilot program and selected by a district attorney general shall plead guilty to a felony. The sentence shall be deferred while the defendant participates in intensive residential drug treatment that may be followed by optional aftercare services.

(e) A participating defendant shall enter a long-term, intensive, residential drug treatment program approved by the commissioner of mental health and substance abuse services for a period of fifteen (15) to twenty-four (24) months.

(f) A participating defendant who successfully completes the treatment pilot program shall be permitted to withdraw the defendant's guilty plea and have the case dismissed.

(g) A participating defendant who fails or drops out of the pilot program shall return to the court for sentencing on the guilty plea.

33-11-104. This chapter shall expire on June 30, 2021.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35, Part 3, is amended by adding the following as a new section to be appropriately designated:

Notwithstanding this chapter, a defendant who participates in the pilot program established under title 33, chapter 11, shall be permitted to enter a plea, obtain a deferral in sentencing, and be sentenced or obtain a dismissal of charges pursuant to § 33-11-103.

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.